



COUNTY OF PLACER FISH & GAME COMMISSION

Ed King
Deputy Agricultural Commissioner
County Contact

FISH & GAME COMMISSION MEMBERS

DISTRICT 1

Don Gould

DISTRICT 3

Gregg McKenzie

DISTRICT 5

Kari Freidig

DISTRICT 5

Mickey Daniels

DISTRICT 2

Mark Fowler

DISTRICT 4

Gary Flanagan

DISTRICT 5

Pam Cubbler

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PLACER COUNTY FISH & GAME COMMISSION MINUTES

TIME/DATE: 7:00 P.M. WEDNESDAY, May 22, 2013

**LOCATION: PLACER COUNTY PLANNING COMMISSION HEARING ROOM
Community Development Resource Agency, DeWitt Center, Auburn
3091 County Center Drive (corner of Bell Road and Richardson Drive),**

The Placer County Fish & Game Commission is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you are hearing impaired, we have listening devices available. If you require additional disability-related modifications or accommodations, including auxiliary aids or services, please contact the Recording Secretary at (530) 889-7372. If requested, the agenda shall be provided in appropriate alternative formats to persons with disabilities. All requests must be received at least 72 hours prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

- I. CALL TO ORDER – Gary Flanagan, Chairman**
- II. ROLL CALL – Mark Fowler, Mickey Daniels, Don Gould, Gary Flanagan, Kari Freidig, Pam Cubbler, Gregg McKenzie**
- III. APPROVAL OF AGENDA FOR May 22, 2013 AND APPROVAL OF MINUTES OF February 27, 2013 and March 27, 2013**

Commissioner Daniels motioned to accept the agenda.
Commissioner Gould seconded the motion.
All commissioners voted to accept the agenda.

Commissioner Fowler motioned to accept the February 27, 2013 minutes.
Commissioner Daniels seconded the motion.
All commissioners voted to accept the minutes (Commissioner Gould abstained).

Commissioner Daniels motioned to accept the March 27, 2013 minutes.
Commissioner Gould seconded the motion.
All commissioners voted to accept the minutes (Commissioner McKenzie abstained).

IV. PUBLIC COMMENT

Individuals may address the Commission on items under the jurisdiction of the Agricultural Commission not included on this agenda for no longer than five (5) minutes. ***No action can be taken on items addressed under Public Comment***

None.

V. FINANCIAL REPORT

Budget Update – Ed King

Expenditures for FY 12/13, through April 30, 2013, total \$5879.82 including \$1410.00 in commissioner's fees, \$700.00 in secretary fees, \$1379.29 in mileage reimbursement and \$2000 in grant awards.

Revenues through April 30, 2013, total \$3099.51 including \$2989.44 in fine monies and \$110.07 in interest. A total of \$1200.00 was budgeted for the fiscal year.

A review of how the Placer County Superior Court, Placer County Revenue Services and the Placer County Auditor-Controller process base fine revenue resulting from Fish and Game cases was undertaken to verify accuracy of deposits to the County Fish and Game Fund.

Using the dove baiting violations from October 2012 as a case study, fines were tracked to see how the Court coded penalties and assessments and how the Auditor subsequently distributed payments. Eight of the nine defendants in the case paid the Court directly and one defendant paid through Revenue Services. The total fine amount per defendant, including the various assessments, was \$2070 with a base fine of \$500. After a mandatory 2% reduction for automated systems for trial courts (authorized by Government Code §68090.8) base fines were coded to be split 50% to the County Fish and Game Fund and 50% to the Department of Fish and Wildlife. Additionally, the base fine paid through Revenue Services was subjected to a 25.86% collections surcharge (authorized by Penal Code §1463.007). Base fine payments following correct coding and distribution requirements were deposited in to the Fish and Game Fund in November 2012 and February 2013.

Further review of the Courts itemized coding of the base fine, penalties and other assessments showed a penalty assessment per Penal Code §1464 indicating additional distributions to the County Fish and Game Fund and the Department of Fish and Wildlife. Penal Code §1464 requires that a state penalty be levied in the amount of \$10 for every \$10 per fine imposed by the courts for criminal offenses. The California State Controller directs distribution of such penalties

related to Fish and Code violations to be distributed 30% to the County Fish and Game Fund and 70% to the Department of Fish and Wildlife.

Because no deposits other than those resulting from base fines were made to the Fish and Game Fund the Auditor was questioned regarding distribution of penalty monies entitled to the Commission. Internal review by the Auditor revealed that Penal Code §1464 penalty monies were not being distributed to the Fish and Game Fund as required, despite proper coding by Placer County Superior Court. A records search showed that the Auditor's office had not made proper distributions per Penal Code §1464 to the Fish and Game Fund dating back to FY 2003-04. Audit of penalties assessed from FY 2003-04 through May 2013 resulted in a \$6985.86 deposit into the Fish and Game Fund. For future reference the Auditor has now added a separate line item in the Fish and Game Fund specifically for Penal Code §1464 penalties.

VI. AGENCY REPORTS

A. Commission Updates

Commissioner Fowler reported that through the FERC relicensing process public access around the interbay powerhouse on the middle fork of the American River will be permitted pending construction of a pathway.

Commissioner Gould reported that the Placer Sportsmen's annual fish derby was a great success. Ken Kundargi, DFW Fisheries Biologist, brought 500 lbs of hatchery trout.

Commissioner Friedig will not be able to attend the May 28 Upland Game Bird Advisory Committee meeting.

Commissioner Flanagan participated in a focus group sponsored by the National Shooting Foundation and is planning to attend the upcoming Big Game Advisory Committee meeting in June.

B. California Department of Fish & Wildlife

Lt. John Lawson

Larry Allen, Sierra County DA, is facilitating additional revenues to the Sierra County Fish & Game Commission by prosecuting certain cases civilly.

Stream fishing activity is increasing as snow melts.

Wardens Kraft and Kavanagh hiked a five-mile stretch of Auburn Ravine. They found a group of squatters with a suction dredge and oil leaking into the creek. The wardens directed the squatters to clean up the extensive garbage littering their camp area and supervised until twelve bags were removed with the assistance from Turkey Creek Golf Course staff.

Wardens will be conducting backcountry patrols to remote lakes.

Lake Tahoe boat is in the shop - required \$10,000 in repairs and maintenance. Aiming to it have on the lake by mid-June. Still need a location to slip or store the boat.

**C. Nevada Irrigation District
Sue Sindt**

Reservoirs are at 97% of capacity despite a dry winter. FERC issued draft EIS for the Bear-Yuba and Drum-Spaulding projects—sixty day comment period is now open.

NID Directors have asked staff to review past studies regarding potential dams/reservoirs for new storage possibilities. Options include a site downstream from Rollins Lake/Parker Dam and installing a labyrinth weir inside the spillway at Rollins which would add an estimated 5000 acre feet of storage.

NON-ACTION ITEMS

VII. Present Service Plaques to Robert Haswell and Ron Salter

Service appreciation plaques were presented to past Commissioners Haswell and Salter.

VIII. Guest Speaker: Ben Smith is a hunter and outdoor enthusiast. He received his B.S. from Humboldt State University, and is the Non-lead Outreach Coordinator for the Institute for Wildlife Studies. After an informative video presentation, Ben will be speaking about the benefits of hunting with non-lead ammunition as well provide examples of bullet trial comparisons using ballistic gel.

Mr. Smith presented a video showing impacts of lead bullets to wildlife along with non-lead hunting ammunition alternatives. After the video, Mr. Smith presented to the commission:

- The Institute for Wildlife Studies is an apolitical organization that conducts scientific research and disseminates information
- When ingested lead ammunition is lethal to many avian scavengers—lead was banned from use in waterfowl hunting in 1991
- Lead is is toxic to mammalian scavengers, but because non-avian scavengers do not have a gizzard, which further breaks down lead, higher doses are need to reach clinically toxic levels

- Lead is banned in parts of California under the 2007 Ridley-Tree Act although sometimes used for depredation hunting in restricted areas
- 9 condors died to date in 2013 due to lead poisoning
- Lead bullets fragment easily upon impact
- In 2011, SOAR Rehabilitation Center facility in Iowa admitted 44 bald eagles for a variety of causes, 34 of which had elevated blood lead levels and 28 of those eagles died.
- Obstacles to switching to non-lead ammunition:
 - Skepticism that lead bullets are problematic
 - Organized non-lead campaign by a number of groups
 - Current overall ammunition shortage
 - Lack of information regarding efficacy of non-lead bullets
 - Manufacturers often don't label products clearly—no standard for labeling lead vs. non-lead
- Success in switching to non-lead bullets:
 - 93% of hunters who harvested deer in Arizona believe non-lead bullets work as well or better than lead bullets
 - Manufacturing techniques have improved
 - Pricing has dropped for some calibers

Questions from the public:

Beth Gould – Have any studies been done evaluating possible effects on people who consume meat harvested with lead ammunition?

Yes, there have been studies, but they have been inconclusive to date.

Marilyn Jasper – In some instances game is donated to food banks and children consume the meat. Are effects of lead on children more significant?

Children are more susceptible to lead, but no specific studies have been done related to children consuming game killed with lead ammunition. Wisconsin recommends pregnant women and children not consume meat shot with lead bullets.

Curt Zoller (Board member Auburn Trap Club) – There is a difference between the effects of lead in raptors and people. People have been eating lead resulting from animals shot with conventional ammunition for hundreds of years with no documented deaths.

If you regularly consume lead in game meat, lead blood levels may increase to half of the level concern. The FDA acknowledges that there is no safe level of lead in blood and lead does not have any known function in humans or animals.

The Institute for Wildlife Studies tests shotgun shells within similar price ranges. Steel shotgun shells are priced comparably to and outperform lead shells.

Ron Salter – Do plastic tip copper bullets work in lever-action rifles?

Yes, Hornady makes plastic tip copper bullets in two calibers that cost approximately \$2.00 more per box than conventional lead bullets.

Questions/comments from the Commission:

Commissioner Flanagan – How are ammunition companies going to transition to non-lead copper ammunition, which qualifies as a jacket bullets, if jacketed bullets are going to be banned?

It is unlikely that the ATF will consider copper bullets armor-piercing because they expand upon impact.

Commissioner McKenzie – The perception regarding performance of non-lead ammunition is changing and further reduction in cost over time will promote greater use.

Commissioner Gould – If a lead bullet goes through a deer how much lead fragments and remains in the animal? What about .22 bullets? What about trap shooting?

Lead bullets spread widely from the wound to a radius of 14 inches. Winchester and CCI make copper .22 bullets. Some trap clubs already require steel shells and others also often recycle lead.

Commissioner Freidig – Studies using goats to evaluate spread of lead bullets showed extensive fragmentation surrounding impact site. Destruction to wildlife is well documented. If hunters do not care about wildlife, they do care about family and friends and should consider non-lead ammunition. Animals remain sick long after lead has passed through their systems. Proposed adding an action item to the June agenda recommending the Board of Supervisor support AB 711 currently in the legislature.

ACTION ITEMS

VIII. None

IX. Adjournment – 9:30 PM.

Next meeting: June 26, 2013